

RECEIVED  
CENTRAL FAX CENTER

Attorney Docket No.: 70398

APR 04 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : D'AFRICA et al.  
Serial No. : 10/018,591  
Confirm. No. : 8366  
Filed : December 7, 2001  
For : DEVICE AND METHOD...  
Art Unit : 3763  
Examiner : MAIORINO, ROZ  
Dated : April 4, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION UNDER 37 CFR 1.136 (a)**

Sir:

The Office Action dated December 3, 2005 provided for a shortened statutory period for response of three months.

The shortened statutory period expired March 3, 2005.

Since the attached response is being filed within the first month pursuant to 37 CFR 1.136(a) Applicant attaches a Credit Card Payment Form and respectfully requests the Examiner to charge the appropriate petition fee of \$120.00 (fee code 1251).

Respectfully submitted  
for Applicant(s),

By:

  
John James McGlew

Reg. No.: 31,903

For: MCGLEW AND TUTTLE PC 04/04/2005 14:17 FAX 00000038 10018591

JJM:jms

Enclosed:  
70398.15

Credit Card Payment Form

01 FC:1251

120.00 09

DATED: April 4, 2005  
SCARBOROUGH STATION  
SCARBOROUGH, NEW YORK 10510-9227  
(914) 941-5600

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND  
TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE  
TO OUR DEPOSIT ACCOUNT 13-0410.

DATED: April 4, 2005  
SCARBOROUGH STATION  
SCARBOROUGH, NEW YORK 10510-9227  
(914) 941-5600

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE  
IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-  
0410.